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Part 2

COORDINATING AND EXPANDING SERVICES FOR THE PREVENTION, IDENTIFICATION, TREATMENT, AND FOLLOW-UP CARE OF ALCOHOL AND DRUG ABUSE AMONG INDIAN YOUTH, AND FOR OTHER PURPOSES

AUGUST 15, 1986.—Ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

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REPORT

U. S. GOVT. PUBS.
DEPOSITORY 376

[To accompany H.R. 1156]

[Including the cost estimate of the Congressional Budget Office.]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1156) to coordinate and expand services for the prevention, identification, treatment, and follow-up care of alcohol and drug abuse among Indian youth and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 2, line 3, strike all after the enacting clause, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Youth Alcohol and Substance Abuse Prevention Act".

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds and declares that—

(a) Alcohol and substance abuse is the most severe health and social problem facing young Indians today. Nothing is more costly to the Indian people than the consequences of alcohol and substance abuse measured in physical, mental, social, and economic terms for the individual, the family, and the tribe.

(b) The 1980 Census shows that the Indian population on Indian reservations is much younger than the general population. While 23 per cent of the national population is under 15 years of age, 32 per cent of the Indian population falls within that age bracket.

(c) Estimates have been made that one-third of all Indian children have used alcohol with some frequency by age 11, and the abuse of readily available inhalants such as cleaning fluids, paint thinner, and automobile antifreeze is beginning at earlier ages and is now twice as prevalent among Indian children as it is among the general population.

(d) The Indian Health Service's (IHS) statistics reveal that Indians between the ages of 15 and 24 years of age are more than two times as likely to commit suicide as the general population, and approximately 80 per cent of those suicides are alcohol-related.

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(e) Indians between the ages of 15 and 24 years of age are twice as likely as the general population to die in automobile accidents, 75 per cent of which are alcohol-related.

(f) Untreated alcohol and substance abusers are likely to suffer serious health problems that can be directly related to abuse of alcohol and drugs, such as chronic liver diseases, cirrhosis, alcoholic psychoses, and alcoholic dependence syndrome.

(g) The abuse of alcohol by pregnant women has created a drastic increase of Fetal Alcohol Syndrome (FAS) among newborn Indians. On some reservations, FAS may occur as frequently as one in one hundred births, whereas its occurrence in non-Indian populations is approximately one in seven hundred births.

(h) The IHS, which is charged with treatment and rehabilitation efforts, has directed only one per cent of its budget for alcohol and substance abuse treatment problems.

(i) The Bureau of Indian Affairs (BIA), which has responsibility for programs in the fields of education, social services, law enforcement and other programs has assumed little responsibility for coordinating its various efforts to focus on the epidemic of alcohol and substance abuse among Indian youth.

(j) This lack of emphasis and priority continues despite the fact that BIA and IHS officials publicly acknowledge that alcohol and substance abuse among Indian youth is the most serious health and social problem facing the Indian people.

(k) the Indian tribes have the primary responsibility for protecting and ensuring the well-being of their communities and that the resources available through the actions taken under this Act will be provided in order to assist Indian tribes in meeting those responsibilities.

SEC. 3. DEFINTIONS.

For the purposes of this Act, the term—

(1) "agency" means the local administrative entity of the Bureau of Indian Affairs serving one or more Indian tribes within a defined geographic area;

(2) "Indian" means a person who is a member of, or eligible for membership in, an Indian tribe;

(3) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians;

(4) "prevention and treatment" may mean and include, as appropriate—

(A) efforts to identify, and the identification of, youth who are at risk with respect to, or who are abusers of, alcohol or controlled substances;

(B) intervention into cases of on-going abuse to halt a further progression of such abuse;

(C) prevention through education and the provision of alternative activities:

(D) treatment for abusers to help abstain from, and alleviate the effects of, abuse;

(E) rehabilitation to provide specific assistance, either on an inpatient or outpatient basis, to help youth to reform or abstain from alcohol or substance abuse:

(F) follow-up or after-care to provide the appropriate counseling assistance on an outpatient basis; and

(G) referral to other sources of assistance or resources.

(5) "service unit" means an administrative entity within the Indian Health Service or a tribe or tribal organization operation health care programs or facilities with funds from the Indian Health Service under the Indian Self-Determination Act through which the services are provided, directly or by contract, to the eligible Indian population within a defined geographic area; and

(6) "Youth" shall have the meaning given it in any particular Tribal Action Plan adopted pursuant to section 102 of this Act, except that, for purposes of statistical reporting under this Act, it shall mean a person eighteen years of age or younger.

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TITLE I—COORDINATION OF RESOURCES AND PROGRAMS

SEC. 101. INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT (MOA).

(a) Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and Secretary of the Health and Human Services (Secretaries) shall develop and enter into a Memorandum of Agreement (MOA) which shall, among other things,

(1) determine and define the scope of the problem of alcohol and substance abuse among Indian youth and its financial and human cost;

(2) identify and assess—

(A) the resources and programs of the BIA and IHS; and

(B) other Federal, tribal, state and local, and private resources and programs

which would be relevant to a coordinated affort to combat alcohol and substance abuse among Indian youth;

(3) establish a framework for the coordination of BIA and IHS resources and programs and, where appropriate, other resources and programs at all administrative levels;

(4) develop and establish appropriate minimum standards for each agency's program responsibilities under the MOA which may be—

(A) the existing Federal or state standards in effect; or

(B) in the absence of such standards, new standards which will be developed and established in consultation with Indian tribes;

(5) direct the BIA agency and education superintendents and the IHS service unit directors to cooperate fully with tribal requests made pursuant to section 102 of this Act; and

(6) provide for biennial review of such agreements by the Secretaries.

(b)(1) the Secretaries shall consult with, and solicit the comments of, Indian tribes and organizations and professionals in the prevention and treatment of alcohol and substance abuse in the development of the MOA.

(2) Upon the execution of the agreement as provided in subsection (a) of this section, the Secretaries shall cause it to be published in the Federal Register within ten days thereafter.

(3) As soon as possible after the publication of the agreement in the Federal Register, the Secretary of the Interior shall provide a copy of this Act and the MOA to each tribe within his jurisdiction.

SEC. 102. TRIBAL ACTION PLAN (TAP).

(a) The governing body of any Indian tribe may, at its discretion, adopt a resolution providing for the establishment of a Tribal Action Plan (TAP) to coordinate available resources and programs in an effort to combat alcohol and substance abuse among its youth. Such resolution shall form the foundation for the implementation of the provisions of this Act and the MOA.

(b) At the request of any Indian tribe pursuant to a resolution adopted under subsection (a) of this section, the BIA agency and education superintendents and the IHS service unit director providing services to such tribe shall cooperate with the tribe in the development of a TAP to coordinate resources and programs relevant to alcohol and substance abuse prevention and treatment. Upon the development of such plan, these officials, as directed by the MOA, shall enter into an agreement with the tribe for the implementation of the TAP.

(c) Any Tribal Action Plan entered into pursuant to subsection (b) shall provide for—

(1) the establishment of a Tribal Coordinating Committee which shall—

(A) at a minimum, have as members a tribal representative who shall serve as Chairman, the BIA agency and Education superintendents, and the IHS service unit director or their representatives;

(B) have primary responsibility for the implementation of the TAP;

(C) have the responsibility for on-going review and evaluation of, and the making of recommendations to the tribe relating to, the TAP; and

(D) have the responsibility for designating the key personnel for training in the prevention and treatment of Indian youth affected by alcohol and substance abuse as provided for under section 503; and

(2) the incorporation of the minimum standards for those programs and services which it encompasses which shall be—

(A) the Federal or state standards as provided in section 101(a)(4); or

(B) applicable tribal standards, if such standards are no less stringent than the Federal or state standards.

(d) Any TAP entered into pursuant to subsection (b) of this section may, among other things, provide for—

(1) an assessment of the scope of the problem of alcohol and substance abuse among the youth of the tribe:

(2) the identification and coordination of the range of available programs and resources relevant to a program of alcohol and substance abuse prevention and treatment for Indian youth;

(3) the establishment and prioritization of goals and efforts needed to meet those goals; and

(4) the identification of the community and family roles in any of the efforts undertaken as part of the TAP.

SEC. 103. DEPARTMENTAL RESPONSIBILITY.

(a) The Secretary of the Interior, acting through the BIA, and the Secretary of Health and Human Services, acting through the IHS, shall bear equal responsibility for the implementation of the provisions of this Act in cooperation with Indian tribes.

(b) (1) In order to better coordinate the various programs of the BIA in carrying out the provisions of this Act, there shall be established within the Office of the Assistant Secretary of the Interior for Indian Affairs a new position to be known as the Indian Youth Programs Officer.

(2) The position provided in paragraph (1) shall be established, on a permanent basis, at no less than a Grade GS-14/15 as provided in section 5104 of title 5 of the United States Code.

(3) In addition to other responsibilities which may be assigned to the Indian Youth Programs Officer relating to Indian Youth, such Officer shall be responsible for—

(A) monitoring the performance and compliance of programs of the BIA in meeting the goals and purposes of this Act and the MOA;

(B) serving as a point of contact within the BIA for Indian tribes and the Tribal Coordinating Committees regarding the implementation of this Act, the MOA, and the Tribal Action Plans; and

(C) providing advice and recommendations, including recommendations submitted by Indian tribes and Tribal Coordinating Committees, to the Assistant Secretary for Indian Affairs.

SEC. 104. CONGRESSIONAL INTENT.

It is the intent of Congress that—

(1) specific Federal laws, and administrative regulations promulgated thereunder, establishing the programs of the BIA, the IHS, and other Federal agencies;

(2) general Federal laws, such as those limiting augmentation of Federal appropriations or encouraging joint or cooperative funding,

shall be liberally construed and administered to achieve the purpose of this Act.

SEC. 105. FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.

(a) In the furtherance of the purposes and goals of this Act, the Secretaries shall make available for community use, to the extent permitted by law and as may be provided in a TAP, local Federal facilities, property, and equipment, including school facilities, under their jurisidiction.

(b) Any additional cost associated with the use of Federal facilities, property, or equipment under this section may be borne by the Secretaries out of available funds, by other Federal funds if not otherwise prohibited by law, or by tribal, state or local, or private funds. Nothing in this section shall require the Secretaries to expend additional funds to meet the additional costs which may be associated with the use of such property as provided in this section.

TITLE II—EDUCATION PROGRAMS

SEC. 201. REVIEW OF PROGRAMS.

(a) In the development of the MOA required by section 101 of this Act, the Secretaries, in cooperation with the Secretary of Education, shall review and consider—

(1) the various programs established by Federal law providing educational services or benefits to Indian children, and

(2) tribal, state and local, and private educational resources and programs,

to determine their applicability and relevance in carrying out the purposes of this Act.

(b) The results of the review conducted pursuant to this section shall be provided to every Indian tribe as soon as possible for their consideration and use in the development or modification of a TAP.

SEC. 202. AMENDMENTS TO THE INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT.

Section 304 of the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241cc) is amended by—

(1) striking out "and" at the end of paragraph (1);

(2) striking out the period at the end of paragraph (2) and inserting in lieu thereof a semi-colon and the word "and"; and

(3) adding at the end the following new paragraph:

"(3) the training of counselors at schools eligible for funding under this title in counseling techniques relevant to the treatment of alcohol and substance abuse.".

SEC. 203. AMENDMENTS TO THE INDIAN EDUCATION ACT.

Section 423 of the Indian Education Act (20 U.S.C. 3385b) is amended by—

(a) by inserting in subsection (a) the phrase "clinical psychology" after the word "medicine"; and

(b) adding at the end of the section the following new subsection:

"(e) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.".

SEC. 204. AMENDMENTS TO THE ADULT EDUCATION ACT.

Section 315(a) of the Adult Education Act (20 U.S.C. 1211a) is amended by—

(1) striking out the period at the end of paragraph (5) and inserting in lieu thereof a semi-colon and the word "and"; and

(2) adding at the end the following new paragraph:

"(6) to provide alcohol and substance abuse counseling services to better enable Indians in need of such services to take advantage of educational and employment opportunities.".

SEC. 205. AMENDMENTS TO THE EDUCATION AMENDMENTS OF 1978.

(a) Section 1121 of the Education Amendments of 1978 is amended by adding at the end thereof the following new subsection:

"(i)(1) Upon the request of the governing body of an Indian tribe or a local school board if so designated by the tribal governing body, the Secretary shall incorporate into the course of study of any BIA school or any school operating under a contract entered into under the Indian Self-Determination Act a program of instruction relating to the prevention and treatment of alcohol and substance abuse as provided in this subsection.

"(2) The Secretary shall cooperate with the tribal governing body or the local school board, as the case may be, in the development and implementation of such program of instruction, taking into consideration the special needs of Indian students and the support and reinforcement of the specific cultural heritage of the tribe. The program of instruction shall be developed to meet the needs and comprehension level of each grade level, kindergarten through grade twelve, and may be made available in any or all such grade levels as is determined to be necessary or desirable.

"(3) To assist Indian tribes in considering the necessity for, and in the development of, a program of instruction, the Secretary, drawing upon current expertise and knowledge, shall develop a model program of instruction and shall provide such model to Indian tribes and local school boards within 180 days after the date of enactment of this subsection.".

(b) Section 1129 of the Education Amendments of 1978 is amended by adding at the end the following new subsection:

"(e)(1) A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

"(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (25 U.S.C. 452 *et seq.*) and the Indian Education Act may be used to

augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

"(3) The Assistant Secretary of Indian Affairs, acting through the Director of the Office of Indian Education Programs, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.".

SEC. 206. PUBLIC AND PRIVATE SCHOOL PROGRAMS.

(a) Notwithstanding any other law, Federal grants or other financial assistance made available to public or private schools because of the enrollment of Indian children pursuant to—

(1) the Act of April 16, 1934, as amended by the Indian Education Assistance Act, (25 U.S.C. 452 *et seq.*);

(2) the Indian Elementary and Secondary School Assistance Act (20 U.S.C. 241aa *et seq.*); and

(3) the Indian Education Act (20 U.S.C. 3385).

may be used to support a program of instruction relating to alcohol and substance abuse as provided in this section.

(b) Upon the request of a local education agency and with the consent of the affected Indian tribe or tribes, the Secretary of the Interior or the Secretary of Education, as the case may be, may authorize the use of funds provided under the Acts cited in subsection (a) for the incorporation into the course of study of a public or private school receiving such assistance of a school-wide program of instruction relating to alcohol and substance abuse.

(c) The Federal share of the total cost of a program of instruction supported under this section shall not exceed the percentage which is—

(1) equal to the percentage of the Indian children enrolled in such school; or

(2) with the specific consent of the affected Indian tribe, twice the percentage of the Indian children enrolled in such school.

(d) In approving any application for funds to support a program of instruction under this section, the Secretary of the Interior or the Secretary of Education, as the case may be, shall require assurances of the local education agency making application that the affected Indian tribe or its representative shall be fully involved in the development of such program of instruction to insure that the special needs of Indian students will be met.

TITLE III—FAMILY AND SOCIAL SERVICES: YOUTH ACTIVITIES

SEC. 301. REVIEW OF PROGRAMS.

(a) In the development of the MOA required by section 101 of this Act, the Secretaries shall review and consider—

(1) the various programs established by Federal law providing family and social services and benefits for Indian families and children, and

(2) tribal, state and local, and private family or social resources and programs,

to determine their applicability and relevance in carrying out the purposes of this Act.

(b) The Secreteries shall conduct a similar review with respect to programs and resources relating to youth employment, recreation, cultural, and community activities which may be applicable and relevant in carrying out the purposes of this Act.

(c) The results of reviews conducted pursuant to this section shall be provided to every Indian tribe as soon as possible for their consideration and use in development or modification of a TAP.

SEC. 302. EMERGENCY SHELTERS.

(a) A TAP adopted pursuant to section 102 of this Act may make such provisions as may be necessary and practical for the establishment, funding, licensing, and operation of emergency shelters or half-way houses for Indian youth who are alcohol or substance abusers, including youth who have been arrested for offenses directly or indirectly related to alcohol or substance abuse.

(b) In any case where an Indian youth is arrested or detained by BIA or tribal law enforcement personnel for an offense relating to alcohol or substance abuse under circumstances where such youth may not be immediately restored to the custody of his parents or guardians and where there is space available in an appropriately licensed and supervised emergency shelter or half-way house, such youth shall be referred to such facility in lieu of incarceration in a jail or other locked facility, unless

such youth is deemed a danger to himself or other persons, or the gravity of the charged offense otherwise warrants.

(c) In any case where there is space available in an appropriately licensed and supervised emergency shelter or half-way house, BIA and tribal courts are encouraged to refer Indian youth convicted of offenses directly or indirectly related to alcohol and substance abuse to such facilities in lieu of sentencing to incarceration in a detention facility.

(d) Upon the request of any Indian tribe, the BIA shall include in its housing inventory for such tribe the lack of an emergency shelter or half-way house as an unmet housing need. The construction or renovation of such a facility shall be considered an eligible activity under the BIA's Housing Improvement Program.

SEC. 303. SOCIAL SERVICES REPORTS.

(a) The Secretary of the Interior, with respect to the administration of any family or social services program by the BIA directly or through contracts under the Indian Self-Determination Act, shall require the compilation of data relating to the number and types of child abuse and neglect cases seen and the type of assistance provided. Additionally, such data should also be categorized to reflect those cases that involve, or appear to involve, alcohol and substance abuse, those cases which are recurring, and those cases which involve other minor siblings.

(b) The data compiled pursuant to subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or subsequently modifying a TAP and shall also be submitted to the IHS service unit director who will have responsibility for compiling a tribal comprehensive report as provided in section 504 of this Act.

(c) The report to be submitted to the affected tribe and Tribal Coordinating Committee as provided in subsection (b) will also be submitted to the IHS Service Unit Director who will have the responsibility for compiling a tribal comprehensive report, as provided under section 504.

(d) In carrying out the requirements of this section, the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals.

TITLT IV—LAW ENFORCEMENT AND JUDICIAL SERVICES

SEC. 401. REVIEW OF PROGRAMS.

(a) In the development of the MOA required by section 101 of this Act, the Secretaries, in cooperation with the Attorney General of the United States, shall review and consider—

(1) the various programs established by Federal law providing law enforcement or judicial services for Indian tribes, and

(2) tribal and State and local law enforcement and judicial programs and systems

to determine their applicability and relevance in carrying out the purposes of this Act.

(b) the results of the review conducted pursuant to this section shall be made available to every Indian tribe as soon as possible for their consideration and use in the development and modification of a TAP.

SEC. 402. BIA LAW ENFORCEMENT AND JUDICIAL TRAINING.

(a) BIA programs for the training of BIA and tribunal law enforcement and judicial personnel shall include training in the problems of youth alcohol and substance abuse, including instructions in prevention and treatment. Such training shall be coordinated with IHS in carrying out its responsibilities under section 503 of this Act.

SEC. 403. MEDICAL ASSESSMENT AND TREATMENT OF JUVENILE OFFENDERS.

(a) The MOA entered into pursuant to section 101 of this Act shall include a specific provision for the development and implementation at each BIA agency and IHS service unit of a program for the medical assessment and treatment of every Indian youth arrested or detained by BIA or tribal law enforcement personnel for an offense relating to or involving alcohol or substance abuse.

(b) The medical assessment required by subsection (a) shall occur as soon as possible after the arrest or detention of an Indian youth and shall be provided by IHS, either through its direct or contract health service. The medical assessment required by this section shall be for the purpose of determining the mental or physical state of the individual so that appropriate steps can be taken to protect his health and well-being.

SEC. 404. MODEL INDIAN JUVENILE CODE.

The Secretary of the Interior, either directly or by contract, shall provide for the development of a Model Indian Juvenile Code which shall include provisions relating to the disposition of cases involving Indian youth arrested or detained by BIA or tribal law enforcement personnel for alcohol or drug related offenses. The development of such model code shall be accomplished in cooperation with Indian organizations having an expertise or knowledge in the field of law enforcement and judicial procedure and in consultation with Indian tribes. Upon completion of the model code, the Secretary shall make copies available to each Indian tribe.

SEC. 405. LAW ENFORCEMENT AND JUDICIAL REPORT.

(a) The Secretary of the Interior, with respect to the administration of any law enforcement or judicial services program by the BIA, either directly or through contracts under the Indian Self-Determination Act, shall require the compilation of data relating to calls and encounters, arrests and detentions, and disposition of cases by BIA or tribal law enforcement or judicial personnel involving Indian youth where it is determined that alcohol or drug abuse is a contributing factor.

(b) The data compiled pursuant to subsection (a) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or subsequently modifying a TAP and shall also be submitted to the IHS service unit director who will have the responsibility for compiling a tribal comprehensive report as provided in section 504 of this Act.

(d) In carrying out the requirements of this section, the Secretary shall insure that the data is compiled and reported in a manner which will preserve the confidentiality of the families and individuals involved.

TITLE V—INDIAN YOUTH ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND REHABILITATION

SEC. 501. REVIEW OF PROGRAMS.

(a) In the development of the Memorandum of Agreement required by section 101 of this Act, the Secretaries shall review and consider—

(1) the various programs established by Federal law providing health services and benefits to Indian tribes, including those relating to mental health and alcohol and substance abuse prevention and treatment, and

(2) tribal, state and local, and private health resources and programs,

to determine their applicability and relevance in carrying out the purposes of this Act.

(b) The results of the review conducted pursuant to this section shall be provided to every Indian tribe as soon as possible for their consideration and use in the development or modification of a TAP.

SEC. 502. IHS RESPONSIBILITIES.

The MOA entered into pursuant to section 101 of this Act shall include specific provisions pursuant to which IHS shall assume responsibility for—

(1) the determination of the scope of the problem of alcohol and substance abuse among Indian youth, including the number of such youth within the jurisdiction of IHS who are directly or indirectly affected by alcohol and substance abuse, and the financial and human cost;

(2) an assessment of the existing and needed resources necessary for the prevention and treatment of Indian youth affected by alcohol and substance abuse; and

(3) an estimate of the funding necessary to adequately support a program of prevention and treatment of Indian youth affected by alcohol and substance abuse.

SEC. 503. ALCOHOL AND SUBSTANCE ABUSE TRAINING PROGRAMS.

(a) The Secretary of Health and Human Services, in cooperation with the Secretary of the Interior and the Secretary of Education, and acting through the IHS, shall have the responsibility for developing and making available training to the key tribal, Federal or other personnel identified in a TAP entered into pursuant to section 102. Such training will be for the prevention and treatment methods of alcohol and substance abuse among Indian youth.

(b) Training made available under this section may be provided by IHS either directly or through contract. In entering into contracts to develop training methods or materials or to provide training, the Secretary shall give preference to Indian organizations or institutions having expertise or knowledge in the field, incuding Tribally-Controlled Community Colleges.

(c) There is hereby authorized to be appropriated not to exceed $10,000,000 for the fiscal years 1988, 1989, and 1990, for the purpose of carrying out the provisions of this section.

SEC. 504. IHS REPORTS.

(a) The Secretary of Health and Human Services, with respect to the administration of any health program by an IHS service unit, directly or through contract, including under the Indian Self-Determination Act, shall require the compilation of data relating to the number of cases or incidents which any of the IHS personnel or services were involved and which were related, either directly or indirectly, to alcohol or substance abuse. Such report shall include the type of assistance provided and the disposition of these cases.

(b) The data compiled pursuant to subsection (b) shall be provided annually to the affected Indian tribe and Tribal Coordinating Committee to assist them in developing or modifying a TAP.

(c) In addition, the service unit director shall be responsible for assembling the data compiled under this subsection (B) of this section and sections 303 and 405 of this Act into an annual tribal comprehensive report which shall be provided to the affected tribe and to the Director of the Indian Health Service who shall develop and publish a biennial national report based upon such tribal comprehensive reports.

PURPOSE

The purpose of H.R. 1156 is to assist Indian tribes to develop and implement a comprehensive and coordinated program for the prevention and treatment of alcohol and substance abuse among its youths.

BACKGROUND

The devastating impact of alcohol abuse has been a major concern of Indian tribes and leaders since early contacts with non-Indian settlers. As early as 1820, the treaty between the Choctaw Nation and the United States contained the following provision:

> ARTICLE 12. In order to promote industry and sobriety amongst all classes of the Red people, in this nation, but particularly the poor, it is further provided by the parties, that the agent provided to reside here, shall be, and he is hereby, vested with full power to seize and confiscate all whiskey which may be introduced into said nation, except that used at public stands, or brought in by the permit of the agent, or principal Chiefs of the three Districts.

As the abuse of alcohol grew on Indian reservations and in Indian country, so did the concern of the Indian tribes. It soon became routine to include in treaties between the United States and Indian tribes a provision restricting the importation of alcohol into Indian country. A provision in the 1855 treaty with the Quinault Indians is typical:

> ARTICLE 9. The above tribes and bands are desirous to exclude from their reservations the use of ardent spirits, and to prevent their people from drinking the same. . . .

Even today, many Indian tribes have enacted tribal laws prohibiting the sale or use of alcoholic beverages on their reservations.

Nevertheless, alcoholism and alcohol abuse is the single greatest killer of Indians on Indian reservations. The Indian Health Service has noted that alcohol is the leading generic risk factor among Indians. Indians die from alcoholism at over four times the age-ad-

justed rate for the U.S. population, and alcohol misuse results in a rate of years of potential life lost nearly five times that of the U.S. population. The National Clearing House for Alcohol Information notes that Indians have the highest reported frequency of drinking-associated problems of any ethnic group. For example, two-thirds of the alcoholics under treatment in Alaska are Eskimos and Aleuts; they constitute one-fifth of the state's population but experience three-fifths of all alcohol related deaths.

Four of the top ten causes of death among Indians are alcohol related, i.e., injuries (18% of all deaths), chronic liver disease and cirrhosis (5%), suicide (3%), and homocide (3%). Alcoholism contributes to an array of physical conditions treated by IHS. An estimated 75% of all accidential deaths and suicides among Indians involve alcohol, making it a major contributor to premature death. Homocide, suicide, unintentional injuries, and alcohol abuse, which are the primary cause of the disparate mortality of Indians and the U.S. in general, are symptoms of the deprivation that exists on most Indian reservations.

Unemployment, poverty, and limited educational and recreational facilities are felt to be the primary reasons for the excess trauma and alcohol-related deaths among Indians.

In addition to alcoholism and alcohol abuse, the last two decades have seen an explosion in the trafficking and use of illegal and controlled narcotics on Indian reservations. The rapid increase of drug use on Indian reservations has increased the trauma and deaths caused by alcohol abuse. In addition, primarily because of the poverty on Indian reservations, there is widespread use, particularly among the young, of non-controlled intoxicating substances such as cleaning fluids, paint thinner, and automobile anti-freeze.

The impact of alcohol and substance abuse on the Indian population on the reservations is affecting a much younger population than the general population. Thirty-two percent of the Indian population is under 15 years of age as compared with twenty-three percent for the national population. IHS statistics reveal that Indians between the ages of 15 and 24 are more than two times as likely to commit suicide as the general population with approximately eighty percent of those suicides being alcohol or drug related. Indians between the ages of 15 and 24 years of age are twice as likely as the general population to die in automobile accidents, with seventy-five percent being alcohol or drug related.

EXPLANATION

The record developed by the Committee discloses that little is being done by the Federal government to deal with the growing problem of alcohol and substance abuse among Indian youth. The IHS devotes only 1% of its budget to alcohol and drug programs and very little of that is directed toward the young. The BIA, having responsibility for a wide range of education, social, law enforcement and other programs for the benefit of Indian tribes has practically no involvement in any efforts to deal with the problem.

H.R. 1156, as reported by the Committee, provides needed direction and guidance to the responsible Federal agencies to embark upon a comprehensive, coordinated effort to combat alcohol and

substance abuse among Indian youth. While major new programs and funding are badly needed, the Committee is aware of existing budget constraints. As a consequence, H.R. 1156 proposes that the large array of existing Federal, tribal, state and local, and private programs and resources be marshalled and coordinated to achieve the purposes of the legislation.

The Committee is aware that IHS, in recent years, has begun to implement an alcohol treatment program of Indian internal resources to deal with the problem of Indian alcoholism and alcohol and substance abuse. While this effort is substantially underfunded and directed primarily at adults, it is an important beginning. In addition, the Committee is encouraged by Secretary Bowen's recent initiative in developing an inter-agency agreement with the Secretary of the Interior to coordinate their efforts in the area of alcohol and substance abuse. While these small efforts are a step in the right direction and consistent with the intent and provisions of H.R. 1156, they do not go far enough in developing a comprehensive effort required by the problem and envisioned in H.R. 1156.

H.R. 1156, as reported, also recognizes that the Indian tribes and tribal leadership must take the lead in the development and implementation of a comprehensive, coordinated attack on alcohol and substance abuse among Indian youth at the local level. As a consequence, the bill authorizes the Indian tribes to assume a role of primacy with respect to a reservation program and requires local BIA and IHS officials to cooperate with the tribe in the development and implementation of a Tribal Action Plan to coordinate and focus existing resources on this problem.

Finally, H.R. 1156 modifies and supplements existing laws and programs to facilitate their use in such an over-all comprehensive program.

Committee Amendment

The Committee adopted an amendment in the nature of a substitute. That amendment, generally explained above, is explained in more detailed in the Section-by-Section Analysis.

Section-by-Section Analysis

Section 1

Section 1 provides that the Act may be cited as the "Indian Youth Alcohol and Substance Abuse Prevention Act."

Section 2

Section 2 contains congressional findings relating to the severity of alcohol and substance abuse among Indian youth and the lack of a coordinated effort by responsible Federal agencies to deal with the problem.

Section 3

Section 3 contains definitions of terms.

TITLE I—COORDINATION OF RESOURCES AND PROGRAMS

Section 101

Subsection (a) provides that the Secretary of the Interior and the Secretary of Health and Human Services shall, within 180 days of enactment, enter into a Memorandum of Agreement (MOA) for the coordination of efforts relating to alcohol and substance abuse among Indian youth. In the agreement, the Secretaries are required to determine and define the scope of the alcohol and substance abuse problem among Indian youth; identify and assess the various Federal, tribal, and other programs and resources which could be brought to bear on the problem; establish a framework for the coordination of these resources at the local level; insure that adequate standards are in place or developed for programs involved in the effort; direct local BIA and IHS officials to cooperate with Indian tribes; and review, on a biennial basis, the agreement.

Subsection (b) requires the Secretaries to consult with appropriate Indian organizations in the development of the agreement in the Federal Register within 10 days after it is executed. In addition, the Secretary of the Interior is required to provide copies of the agreement and this Act to each Indian tribe as soon as possible.

Section 102

Subsection (a) provides that any Indian tribe may adopt a resolution to establish a Tribal Action Plan (TAP) to combat alcohol and substance abuse among its youth which would form the foundation for the implementation of this Act and the Memorandum of Agreement. The Committee does not intend that the failure of an Indian tribe to adopt a resolution under this section shall absolve the Secretaries from their responsibility to deal with the problem of alcohol and substance abuse among Indian youth. It is expected that, in those circumstances, the Secretaries will take such action as is necessary to see that the purposes of this Act and the agreement are carried out at the local level.

Subsection (b) provides that, at the request of an Indian tribe pursuant to a tribal resolution, the local officials of the BIA and the IHS shall cooperate with the Indian tribe in the development of a TAP and shall enter into an agreement as required by the MOA to implement the plan. The Committee expects that there would be availabe funds at the local level which could be provided by BIA and IHS to the tribe to support their efforts in carrying out the TAP.

Subsection (c) provides that the TAP shall establish a Tribal Coordinating Committee which would have primary responsibility for the implementation of a TAP, for on-going monitoring and review, and for designating key personnel at the local level who should receive training in alcohol and substance abuse prevention and treatment. It also provides that the Tribal Coordinating Committee shall have as members, at a minimum, a tribal representative who shall serve as Chairman, and the BIA agency and education superintendent and IHS service unit director or their representatives. Finally, the subsection provides that the TAP must define existing

minimum standards, or develop new standards, for programs encompassed by the TAP.

Subsection (d) provides that the TAP may include other provisions which would be relevant or necessary to an effective program of coordination of programs and resources to deal with the problem of alcohol and substance abuse among Indian youth.

Section 103

Subsection (a) provides that the Secretary of the Interior and the Secretary of Health and Human Services shall bear equal responsibility, in cooperation with Indian tribes, in carrying out the provisions of this Act.

Subsection (b) provides for the establishment, within the Office of the Assistant Secretary of Indian Affairs, of an Indian Youth Programs Officer. This position is to be established at no less than a GS14/15 grade level to insure that the person filling the position shall have sufficient authority and responsibility to carry out the function to be assigned. This officer shall be responsible for monitoring the performance and compliance of BIA programs and officials in meeting the goals of this Act; serving as a point of contact for Indian tribes; and for providing advice and recommendations to the Assistant Secretary with respect to alcohol and substance abuse programs. The Committee has provided for the establishment of this position to insure that the BIA, a multi-purpose agency, has a focal point for its efforts in dealing with this most severe problem.

Section 104

This section expresses the intent of Congress that specific laws and regulations establishing programs of the BIA, IHS, and other relevant Federal agencies and general Federal laws should be liberally construed and administered to achieve the purposes of this Act. The basic purpose of this Act is to permit the coordination of the wide range of Federal and other programs and resources to combat the problem of alcohol and substance abuse among Indian youth. It is not the intent of the Committee that the letter of the law establishing such programs be violated or ignored, but that, wherever possible, they be construed in a manner which would facilitate the achievement of the purposes of this Act.

Section 105

Subsection (a) provides that the Secretary of the Interior and the Secretary of Health and Human Services shall make available for community use, in furthering the purposes and goals of this Act, Federal facilities, property and equipment to the extent permitted and as may be provided in a TAP.

Subsection (b) provides that any additional cost associated with the use of Federal resources under subsection (a) may be borne by the respective Secretary out of available funds, by other Federal funds if not otherwise prohibited, or by tribal, state or local, or private funds. It also provides that this section shall not be construed

to require the Secretaries to expend additional funds to meet such costs.

The record made by the Committee makes clear that alternative activities, such as recreation, summer employment, or cultural activities, could be an effective preventive effort to alcohol and substance abuse. Yet these alternative activities, common in most non-Indian communities, are not available to Indian youth on remote, isolated Indian reservations or communities. In many Indian communities, the only facilities or property which might be available for community use for alternative activities are Federal and, generally, not available. It is the intent of this section that those Federal resources, to the greatest extent possible, be made available for those uses within the context of a TAP.

TITLE II—EDUCATION PROGRAMS

Section 201

Subsection (a) requires the Secretaries, in cooperation with the Secretary of Education to review and consider the range of Federal, tribal, state and local, and private educational resources, in developing the MOA, to determine the applicability and relevance in carrying out the purposes of this Act.

Subsection (b) provides that the results of such review shall be provided to each Indian tribe as soon as possible for their consideration and use in developing or modifying a TAP.

Section 202

Section 202 amends section 304 of the Indian Elementary and Secondary School Assistance Act to authorize the training of counselors at schools eligible for funding under that Act in counseling techniques relating to alcohol and substance abuse.

Section 203

Section 203 amends section 423 of the Indian Education Act by providing that not more than 10% of the fellowships awarded under subsection (a) of that section shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in alcohol and substance abuse education.

Section 204

Section 204 amends section 315(a) of the Adult Education Act to permit schools receiving Indian adult education grants to provide alcohol and substance abuse counseling services.

Section 205

Subsection (a) amends section 1121 of the Education Amendments of 1978 by adding a new subsection (i). An analysis of that new subsection follows:

Paragraph (1) provides that, upon the request of an Indian tribe or local Indian school board, the Secretary of the Interior shall incorporte a program of instruction in alcohol and substance abuse in

the course of study of BIA schools and schools operated under an Indian Self-Determination Act contract.

Paragraph (2) provides that the Secretary shall cooperate with the tribe or school board in the development of the program of instruction to ensure that it meets unique Indian needs. It also provides that the program of instruction should meet the needs and comprehension level of each grade level, kindergarten through grade twelve, and should be made available in any or all such grades as determined necessary or desirable.

Paragraph (3) provides that the Secretary, to assist Indian tribes in developing a program of instruction, shall develop a model program of instruction and shall provide the model to Indian tribes and school boards within 180 days after enactment.

Subsection (b) of section 205 amends section 1129 of the Education Amendments of 1978 by adding a new subsection (e). An analysis of that new subsection follows:

Paragraph (1) provides that a school financial plan under subsection (b) of that section may include provision for a summer program of academic and support services for students of the school at the discretion of the local administrator and school board. The summer program may include activities related to alcohol and substance abuse prevention and treatment and the use of school facilities for the program is authorized.

Paragraph (2) provides that, notwithstanding any other law, funds authorized under the Act of April 16, 1934, and the Indian Education Act may be used to augment services provided in such summer program.

Paragraph (3) provides that the Assistant Secretary of Indian Affairs shall provide technical assistance and coordination for any such summer program and shall encourage the coordination of such program with other summer programs which might benefit Indian youth.

Section 206

Subsection (a) provides that, notwithstanding any other law, funds made available to public and private schools because of the enrollment of Indian children under the Act of April 16, 1934, the Indian Elementary and Secondary School Assistance Act, and the Indian Education Act may be used to support a program if instruction in such schools is provided relating to alcohol and substance abuse.

Subsection (b) provides that the Secretary of the Interior or the Secretary of Education, as appropriate, may authorize the use of such funds for such purpose if requested by the local education agency and consented to by the affected Indian tribe.

Subsection (c) provides that the Federal share of a program of instruction shall not exceed a percentage which is equal to the percentage of Indian children in the school or, with the specific consent of the affected tribe, twice such percentage.

Subsection (d) provides that the appropriate Secretary, in making funds available under this section, shall require assurances that the local education agency receiving such funds shall fully involve the Indian tribe or its representative in the development of a pro-

gram of instruction to insure that it will meet the special needs of Indian students.

TITLE III—FAMILY AND SOCIAL SERVICES: YOUTH ACTIVITIES

Section 301

Subsection (a) requires the Secretaries to review and consider the range of Federal, tribal, state and local, and private resources providing family and social services to Indian families and children, developing the MOA to determine their applicability and relevance in carrying out the purposes of this Act.

Subsection (b) requires a similar review of programs and resources relating to youth employment, recreation, cultural, and community activities.

Subsection (c) provides that the results of such reviews shall be provided to each Indian tribe as soon as possible for their consideration and use in developing or modifying a TAP.

Section 302

Subsection (a) provides that a TAP adopted pursuant to section 102 may make such provisions as may be necessary or practical for the establishment and operation of emergency shelters for Indian youth who are alcohol and substance abusers.

Subsection (b) provides that, where space is available in an appropriately licensed and supervised emergency shelter, Indian youth arrested or detained by BIA or tribal police should be referred to such facility in lieu of incarceration in a locked facility, unless such youth is deemed a danger to himself or others, or the gravity of the charged offense otherwise warrants.

Subsection (c) encourages BIA and tribal courts to refer Indian youth convicted of alcohol or substance abuse related offenses to such an emergency shelter in lieu of sentencing to a locked facility.

Subsection (d) provides that a lack of an emergency shelter or half-way house may be included in the BIA housing inventory as an unmet need for an Indian tribe if the tribe so requests. The subsection also makes the construction or renovation of such a facility an eligible activity under the BIA's Housing Improvement Program.

Section 303

Subsection (a) requires the Secretary of the Interior to compile data relating to alcohol and substance abuse or child abuse in the administration of any family or social services program by BIA or by an Indian tribe under a Self-Determination contract.

Subsection (b) provides that data compiled pursuant to subsection (a) shall be made available, on an annual basis, to the affected Indian tribe or Tribal Coordinating Committee to assist them in the development or modification of a TAP. In addition, it must be made available to the IHS service unit director who has the responsibility for compiling a comprehensive tribal report as provided in section 504.

Subsection (c) requires the Secretary to insure the confidentiality of families and individuals in the compilation and reporting of such data.

TITLE IV—LAW ENFORCEMENT AND JUDICIAL SERVICES

Section 401

Subsection (a) requires the Secretaries, in cooperation with the Attorney General of the United States, to review and consider the range of Federal, tirbal, and state and local law enforcement and judicial programs in carrying out the purposes of this Act.

Subsection (b) provides that the results of such review shall be provided to each Indian tribe as soon as possible for their consideration and use in developing or modifying a TAP.

Section 402

Section 402 provides that the MOA entered into under section 101 must include a specific provision for the development and implementation at each BIA agency and IHS service unit of a program for the medical assessment and treatment of any Indian youth arrested or detained by BIA or tribal police for an offense related to or involving alcohol or substance abuse.

Subsection (b) provides that this medical assessment must be made through IHS resources as soon as possible after such arrest or detention and that the assessment is for the purpose of determining the physical or mental state of the youth so that appropriate steps can be taken to protect the youth's health and well-being.

Section 404

Section 404 provides that the Secretary of the Interior shall provide for the development of a Model Indian Juvenile Code, including provisions relating to development of the Code in cooperation with Indian organization having an expertise in that area and in consultation with Indian tribes. He is to provide a copy of the Code to each tribe upom completion. The development of this Code is merely to assist Indian tribes in meeting a need for a tribal juvenile code and is not meant to be imposed upon them.

Section 405

Subsection (a) requires the Secretary of the Interior to compile data relating to calls, encounters, arrests and detentions, and disposition of cases by BIA and tribal police or courts involving Indian youth where it is determined that alcohol or substance abuse is a contributing factor.

Subsection (b) provides that the data compiled pursuant to subsection (a) shall be made available, on an annual basis, to the affected Indian tribe or Tribal Coordinating Committee to assist them in the development or modification of a TAP. In addition, the data must be submitted to the IHS service unit director for the compilation of a tribal comprehensive report as provided in section 504.

Subsection (c) requires the Secretary to insure the confidentiality of the families and individuals in the compilation and reporting of such data.

TITLE V—INDIAN YOUTH ALCOHOL AND SUBSTANCE ABUSE TREATMENT AND REHABILITATION

Section 501

Subsection (a) requires the Secretaries to review and consider the range of Federal, tribal, state, and local, and private programs and resources providing health services and benefits to Indian tribes, particularly those relating to mental health and alcohol and substance abuse, to determine their applicability and relevance in carrying out the purposes of this Act.

Subsection (b) provides that the results of such review shall be provided to each Indian tribe as soon as possible for their consideration and use in developing or modifying a TAP.

Section 502

Section 502 provides that, in the MOA entered into under section 101, specific provisions must be included under which IHS assumes responsibility for determination of the scope of the problem of alcohol and substance abuse among Indian youth and its financial and human costs; an assessment of the existing and needed resources necessary for a prevention and treatment program; and an estimate of the fund necessary to carry out such a program.

Section 503

Subsection (a) provides that the Secretary of Health and Human Services, in cooperation with the Secretary of the Interior and the Secretary of Education, shall have the responsibility for developing and making available training for key tribal, Federal and other personnel identified in a TAP in prevention and treatment methods relating to alcohol and substance abuse among Indian Youth.

Subsection (b) provides that training under this section can be made available by IHS either directly or through contract and that the Secretary shall give a preference in such contracts to Indian organizations, including Tribally-Controlled Community Colleges.

Subsection (c) authorizes the appropriation of $10,000,000 for each of the fiscal years 1988, 1989, and 1990 for this purpose.

Section 504

Subsection (a) requires the Secretary of Health and Human Services to compile data relating to the number of cases or incidents in which any of the IHS personnel or service were involved which related, either directly or indirectly, to alcohol or substance abuse.

Subsection (b) provides that the data compiled pursuant to subsection (a) shall be made available, on an annual basis, to the affected Indian tribe and Tribal Coordinating Committee to assist them in the development or modification of TAP.

Subsection (c) requires the Secretary to insure the confidentiality of the families and individuals in the compilation and reporting of such data.

Subsection (d) provides that the IHS service unit director shall be responsible for assembling the data compiled under this section and under section 303 and 405 into an annual tribal comprehensive report which will be provided to the affected tribe and to the Director of the IHS who shall be responsible for the development and publication of a biennial national report based upon the tribal comprehensive reports.

COST AND BUDGET ACT COMPLIANCE

The basic purpose of H.R. 1156, as reported, is not to establish new programs and authorizations, but, rather, to provide new authorities and guidance to coordinate existing programs and appropriations.

It it possible that some minimal, incidental cost might be required to carry out the purposes of the Act. In addition, the bill authorizes the appropriation of $10,000,000 for each of the fiscal years 1988, 1989, and 1990. The cost analysis prepared by the Congressional Budget Office, which the Committee adopts as its own, follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 6, 1986.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: CBO has prepared the attached cost estimate for H.R. 1156, the Indian Youth Alcohol and Substance Abuse Prevention Act, as ordered reported by the House Committee on Interior and Insular Afairs on June 23, 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 1156.
2. Bill title: Indian Youth Alcohol and Substance Abuse Prevention Act.
3. Bill status: As ordered reported by the House Committee on Interior and Insular Affairs on June 23, 1986.
4. Bill purpose: To coordinate and expand services for the prevention, identification, treatment and follow-up care of alcohol and drug abuse among Indian youth and for other purposes.
5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1987	1988	1989	1990	1991
Estimated authorization level:					
Indian youth programs officer	0.1	0.1	0.1	0.1	0.1
Education	0.8				
Medical assessment and treatment	1.5	1.5	1.6	1.7	1.7
Training		10.0	10.0	10.0	
Total estimated authorization level [1]	2.4	11.6	11.7	11.8	1.8
Total estimated outlays [1]	1.8	9.2	11.3	11.7	4.2

[1] The costs of emergency shelter construction and renovation are not included in this estimate.

The costs of this bill would fall within budget functions 500 and 550.

Basis of Estimate.—An authorization level for alcohol and substance abuse training programs is stated in the bill. Otherwise, no stated authorizations for appropriations appear in the bill. We assume both stated and estimated authorization amounts are fully appropriated at the beginning of each fiscal year.

Outlays are estimated using spendout rates computed by CBO on the basis of similar health service program data. All authorizations are subject to subsequent appropriations action.

Title I of this bill would require the coordination of existing and newly authorized Indian youth alcohol and substance abuse programs within the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA) pursuant to Tribal Action Plans established by participating tribes. This title would create a new position within the Bureau of Indian Affairs to monitor the program coordination specified by the bill. Salary for the new Indian Youth Programs Officer would be about $60,000 for 1987 increasing to about $75,000 by 1991. The bill would also allow the Secretary of the Interior and the Secretary of Health and Human Services to make federal facilities available for community use for the purposes of this Act. Additional costs associated with the property use may be provided by the federal government out of available funds, but the bill states that the Secretaries are not required to expend additional funds for this purpose.

Title II would amend the Indian Elementary and Secondary School Assistance Act and the Adult Education Act to provide alcohol and substance abuse training and counseling services. These activities would have to be funded under the authorization ceilings that exist in current law for both Acts. This title would also amend the Indian Education Act to provide a set-aside of the current authorization level for fellowships to be given to those training in alcohol and substance abuse counseling and education. No additional appropriations would be authorized.

Title II would also change the Education Amendments of 1978 to authorize the Secretary of Education to provide instruction for students on alcohol and substance abuse prevention in BIA schools and BIA contract schools. Such sums as may be necessary are authorized for the Education Amendments of 1978. Additional training and materials would be needed to provide this instruction in all schools. Training needed for school personnel has been estimated for fiscal year 1987 at $300,000. Training costs for future years are

accounted for under Title V of the bill. Instructional materials for all schools could cost about $500,000. This title would also allow federal funds provided to public or private schools because of Indian enrollment to be used for alcohol and drug abuse instruction. Federal funds to be used are those provided under the Indian Elementary and Secondary School Assistance Act, the Act of April 16, 1934, and the Indian Education Act. Public and private school instruction would have to be funded under the stated authorization ceilings that exist in current law for these Acts.

Title III would require BIA and tribal law enforcement agents to house Indian youths apprehended on alcohol or drug abuse charges in temporary emergency shelters when appropriate and if such facilities are available. Upon the request of a tribe, BIA would be required to include an emergency shelter as an unmet housing need for the purposes of BIA's Housing Improvement Program. The Housing Improvement Program provides for repairs, renovations and additions to existing Indian homes that do not meet minimum health and safety standards. Under the bill, this program could provide for the construction or renovation of emergency shelters. CBO has no basis to estimate the number of temporary shelters that might be needed and licensed, or the resulting costs to the Housing Improvement Program.

Title IV would require BIA and tribal law enforcement and judicial personnel to receive training in youth alcohol and substance abuse. Costs for this training are discussed under Title V of the bill. Title IV also specifies that the agreements for services coordination entered into by BIA and IHS shall include a provision to develop and implement a program for medical assessment and treatment of every Indian youth apprehended on an alcohol or drug abuse related offense. The bill would require IHS to provide medical assessment and treatment through direct or contract health services. Based on information provided by the Division of Law Enforcement of the BIA, almost 6,000 Indian youths were arrested in 1984 for alcohol or drug related offenses. Current costs to the IHS for outpatient alcohol counseling and detoxification in the Pacific Northwest region are between $200 and $300 per patient, yielding potential costs for the program described in this bill of about $1.5 million in fiscal year 1987 increasing to $1.7 million by 1991. Costs could be higher or lower depending on the number of youths placed in emergency shelters and on the actual level of medical assessment and treatment provided.

Title V would authorize training in alcohol and substance abuse prevention and treatment for key tribal, BIA law enforcement and other personnel. CBO assumes the training needed for teachers under Title II of this bill and the training authorized for BIA law enforcement and judicial personnel under Title IV of the bill would be covered by this authorization. An authorization level of $10 million is stated in the bill for fiscal years 1988, 1989, and 1990. Title V would also require the IHS to determine the Indian youth population affected by alcohol or drug abuse, the resources needed for treatment and prevention, and the funding needed to provide a treatment and prevention program.

Finally, the bill would require the Secretary of the Interior to perform some data collection activities and develop a model Indian

juvenile code relating to cases involving Indian youth and alcohol or drug offenses. These activities are expected to result in no significant additional cost to the federal government.

6. Estimated cost to State and local government: The budgets of state and local governments would not be affected directly by the enactment of this bill.

7. Estimate comparison: CBO prepared an estimate for H.R. 1156 as ordered reported by the House Committee on Education and Labor on July 29, 1986. Several provisions in the two bills differ.

8. Previous CBO estimate: None.

9. Estimate prepared by: Carmela Dyer.

10. Estimate approved by: C.A. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

Inflationary Impact Statement

Enactment of H.R. 1156, as reported, would have no inflationary impact.

Oversight Statement

No specific oversight activities were undertaken by the Committee; however, hearings were held on the legislation and the matter has been a subject of concern for some time. No recommendations were submitted to the Committee pursuant to rule X, clause 2(b)2.

Committee Recommendation

The Committee on Interior and Insular Affairs, by voice vote, recommends approval of this bill, as amended, by the House of Representatives.

Departmental Reports

The Committee requested reports from the Department of the Interior and Health and Human Services by letter of September 27, 1985. No reports were received as of the date of the filing of this report.

Changes in Existing Law

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law is which no change is proposed is shown in roman):

SECTION 304 OF THE INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE ACT

Sec. 304. Grants under this title may be used, in accordance with applications approved under section 305, for—

(1) planning for and taking other steps leading to the development of programs specifically designed to meet the special educational or culturally related academic needs, or both, of Indian children, including pilot projects designed to test the effectivenes of plans so developed; [and]

(2) the establishment, maintenance, and operation of programs, including, in accordance with special regulations of the Secretary, minor remodeling of classroom or other space used for such programs and acquisition of necessary equipment, specially designed to meet the special educational or culturally related academic needs, or both, or Indian Children[.]; *and*

(3) the training of counselors at schools eligible for funding under this title in counseling techniques relevent to the treatment of alcohol and substance abuse.

SECTION 423 OF THE INDIAN EDUCATION ACT

SEC. 423. (a) During the fiscal year ending June 30, 1975, and each of the succeeding fiscal years ending prior to October 1, 1989, the Commissioner is authorized to award fellowships to be used for study in graduate and professional programs at institutions of higher education. Such fellowship shall be awarded to Indian students in order to enable them to pursue a course of study of not more than four academic years leading toward a postbaccalaureate degree in medicine, *clinical psychology,* psychology, law, education, and related fields or leading to an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields. The Commissioner may, if a fellowship is vacated prior to end of the period for which it was award an additional fellowship for the remainder of such period.

(b) The Commissioner shall pay to persons awarded fellowships under this subsection such stipends (including such allowances for subsistence of such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(c) The Commissioner shall pay to the institution of higher education at which the holder of a fellowship under this subsection is pursuing a course of study, in lieu of tuition charged such holder, such amounts as the Commissioner may determine to cover the cost of education for the holder of such a fellowship.

(d) The amount that is authorized to be appropriated to carry out the provisions of this section for each of the fiscal years 1987, 1988, 1989, is the amount appropriated for such purposes for fiscal year 1986.

(e) Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

SECTION 315 OF THE ADULT EDUCATION ACT

SEC. 315. (a) The Secretary shall carry out a program of making grants to State and local eductional agencies, and to Indian tribes, institutions, and organizations, to support planning, pilot, and demonstration projects which are designated to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians—

(1) to support planning, pilot, and demonstration projects which are designed to test and demonstrate the effectiveness of

programs for improving employment and educational opportunities for adult Indians;

(2) to assist in the establishment and operation of programs which are designed to stimulate (A) the provision of basic literacy opportunities to all nonliterate Indian adults, and (B) the provision of opportunities to all Indian adults to qualify for a high school equivalency certificate in the shortest period of time feasible;

(3) to support a major research and developmenmt program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals;

(4) to provide, for the basic surveys and evaluation thereof to define accurately the extent of the problems of illiteracy and lack of high school completion among Indians;

(5) to encourage to dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults[.]; *and*

(6) to provide alcohol and substance abuse counseling services to better enable Indians in need of such services to take advantage of educational and employment opportunities.

* * * * * * *

EDUCATION AMENDMENTS OF 1978

PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS

SEC. 1121. (a) * * *

* * * * * * *

(i)(1) Upon the request of the governing body of an Indian tribe or a local school board if so designated by the tribal governing body, the Secretary shall incorporate into the course of study of any BIA school or any school operated under a contract entered into under the Indian Self-Determination Act a program of instruction relating to the prevention and treatment of alcohol and substance abuse as provided in this subsection.

(2) The Secretary shall cooperate with the tribal governing body or the local school board, as the case may be, in the development and implementation of such program of instruction, taking into consideration the special needs of Indian students and the support and reinforcement of the specific cultural heritage of the tribe. The program of instruction shall be developed to meet the needs and comprehension level of each grade level, kindergarten through grade twelve, and may be made available in any or all such grade levels as is determined to be necessary or desirable.

(3) To assist Indian tribes in considering the necessity for, and in the development of, a program of instruction, the Secretary, drawing upon current expertise and knowledge, shall de-

velop a model program of instruction and shall provide such model to Indian tribes and local school boards within 180 days after the date of enactment of this subsection.

* * * * * * *

UNIFORM DIRECT FUNDING AND SUPPORT

SEC. 1129(a)(1) * * *

(e)(1) A financial plan under subsection (b) for a school may include, at the diescretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary of Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

(2) Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (23 U.S.C. 452 et seq.) and the Indian Education Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

(3) The Assistant Secretary of the Indian Affairs, acting through the Director of the Office of Indian Education Programs, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

○